Dep. 1 1920

G. [illegible]

For earlier references. 1871/70

L&R. 54-83.

192 .

( )

File No. 77-81

Serial Nos. 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-6

Part B for July 1871

SUBJECT.

Petition of [illegible] for the Hereditary Appointment of [illegible] to the Office of Karnam of Nagadam [illegible] Taluk.

To,

The Board of Commissioners, Trichinopoly.

No 2223 / 27/4 dated 1870.

Proceedings directing the Appellant as the Inferior Headborough and also to be permitted to remain in office during the Lifetime of the Present Incumbent & succeed to the Office after his death, the Appellant will enter upon the duties of the office.

WD 283—GPI—20-10-21-1,625

G Sankaran
-vs-
Secretary

(17)

The facts of this case are fully set forth in the Govt of Government No 4223 of 27th July last 1999 and it is unnecessary to recapitulate them. The additional evidence taken and sent up by the Collector merely proves that Retd Secretary is a very distant Kinsman of the deceased Gunpadmapas and Sonapatra. The appellant G Sankaran who is the son Gunpadamabis daughter is denied the

In lieu of the words that comes after the word Sonapatra, I propose to substitute the words according marked A. The addition is the same

never heir. and
as such has a
preferential right
to succeed to the
office of Chantry in
dispute. His name
with according to the
registrar as the
holder - but as
his father Venkel.
narrated, who was
dismissed from the
office for embezzle
ment of Govt money
- is still alive the
Government cannot
permit the appt
to enter upon his
duties during the
life time of his father

A

The last holder of the office before Respt was appointed was appts father who ~~was appointed~~ He held the office apparently in consideration of his having ~~been~~ ~~long~~ the husband of ~~Gan~~ the daughter of Gangadhariah who was the original ~~Inheritor~~ Inheritor & the present enquiry is that inasmuch as appts father ~~he~~ was virtually an hereditary officer any fault committed by him ought not to deprive the appellant or his other sons of their rights to the office. There is no doubt much force in the argument, but if the appellant is appointed to the office otherwise, the presumption

reflected upon her
father for the crime of
embezzlement and
cause to be a penalty
the Govt. before resolve
the Regimen appellant
as the Head of, but
allow the Resp. to
remain in Office
during the life time
of Appts father, after
whose death the appl.
will enter upon the
duties of the office

Commissioner gave preference to Seenappah the present incumbent on the ground that he had equal claims to the office with Vencatanarnappah, a fact which he said had already been settled by the Chief Commissioner in 1866-67. (Vide Deputy Commissioner's endorsement No. 289 dated 11th August 1879.) (N°II) Soorianarnappah, then preferred an appeal to the Chief Commissioner with the result that the papers were forwarded for disposal to the Deputy Commissioner, who of course adhered to his former order. Thereupon the petitioner's mother claimed the office on the ground that she was a daughter of Gungathariah and that her claim was recognised both by the Hindu law and by Dewan's Proceeding's No. 927-934 dated 9th May 1881, and prayed (N°III) that the office might be conferred either on herself or on her son, your humble petitioner. In reply the Deputy Commissioner informed the petitioner that as Seenappah had equal claims with Vencatnarnappah to the office in question, the Government saw no reason to interfere. Thereupon the petitioner presented an appeal to the Dewan in person, who was pleased to remark that, if he was the grandson of Gungathariah, he should get it; and he directed an enquiry into the respective claims of petitioner and Seenappah as regards their relationship to Gungathariah. At this enquiry Seenappah, no longer able to sustain his character as a near relative of Gungathariah, was constrained to admit that he had no genealogy to support his statement, and then suddenly hit upon a theory which, he believed, would at once put the petitioner out of Court. He alleged that Gungathariah, from whom he himself formerly claimed the office, was a person tainted with the fault of dismissal from office for some misconduct. His statement on this head was accepted by the Deputy Commissioner who reported to the Dewan that three successive Shanbogues of the family; viz, Gungathariah, Soorappah and Vencatnarnappah, having shown themselves unworthy of holding the office, Seenappah a comparative stranger, seemed to possess better qualifications for the office. On this report, petitioner believes, his claim was dismissed by Government.

6. It is apparent from the order of Government that, but for the representation made that three successive members of petitioner's family had been guilty of gross misconduct, the Government would not have been induced to deprive petitioner of his vested rights which, nothing short of a very serious incapacity or disqualification, could operate to divest. The ground of the decision seems to be that in consequence of an event of extraordinary occurrence having happened in the petitioner's family, the Government felt justified in excluding its members, however unconnected with that event, from all participation in the enjoyment of the office in question.

7. Without for a moment seeking to question the soundness of the principle of the above decision, petitioner respectfully ventures to lay before the Government that the facts on which their order is based are not what they have been represented to be. There has been such a misrepresentation made to the Deputy Commissioner and through him to the Durbar that petitioner feels compelled to trouble the Government again with this petition, and in doing so, he begs respectfully to submit that, if he was not fully convinced of the falsity of certain statements on which the decision of Government is made to rest, he

10

would hardly hope for a reconsideration of his case or feel justified in asking for a reopening of his case and a re-investigation into the real facts of it.

8. As observed above, the main ground of the decision passed against the petitioner is, that Gungathariah, the original shanbogue, was, like his successors, dismissed from his office, presumably for some misconduct. Now this is not true. The theory of his dismissal was for the first time put forward by Seenappah, when he saw his claims failing on other grounds, simply with a view to throw a disqualification on the petitioner's family ; but beyond his naked and interested statement there is not a particle of evidence to show that it was a fact. To make himself sure of this point, the petitioner requested the Deputy Commissioner to furnish him with a copy of the order of Gungathariah's dismissal. (N IV) In reply the petitioner received a copy (enclosed for perusal) of another order which has no bearing on the subject. Again petitioner addressed the Deputy Commissioner representing to him that the copy furnished was not what he (N V) wanted, and requesting him either to give him a copy of the right order or to say in unequivocal terms whether such an order as is alleged, existed or not. Petitioner's repeated applications in this behalf have failed up to date to elicit an answer. The inference is irresistable to the petitioner's mind that no such order was ever passed. But if it could be shewn to the satisfaction of Government, at least now, by the production of any reliable documents, that Gungathariah was actually dismissed from his office, petitioner would gladly give up his claim and will never more venture to press it. However the statement of Seenappah, uncorroborated as it was, did obtain credence with the Deputy Commissioner. Why he should have preferred to believe Seenappah rather than the petitioner, is not clear. Perhaps the Deputy Commissioner was prejudiced against petitioner by the proved misconduct of his father. However that may be, certain facts show that it is not safe to act upon the statements of Seenappah alone, who varies his statements as it suits his purpose to do.

9. When the question turned upon relationship, he asserted that he was connected with the family by close ties, and led the authorities to believe that his case rested on this ground; but later on, when the same question was re-agitated, and he found that it was impossible to prove his near relationship to the last holder of office, he admitted he was a stranger to the family, but taking care before he did so, to cast such a disqualification on the family to which he claimed a relationship before, as would have the effect of weakening the title of the petitioner and of creating for himself a title founded on an absence of all connection with the family. That this was an afterthought, will be seen from the fact that when the petitioner preferred an appeal to the Dewan, the impression was that the rights of the rival parties depended on kinship, not the absence of it.

10. To give a finding against the petitioner on a point not before raised and on the sole statement of such an individual, petitioner begs to submit, is as unsafe as it is destructive of the rights of persons, whose heriditary right of succession is unquestioned.

LR 79-89-2

(13)

13.

From D.C. Bangalore No 6089 30/4/90

To The Deputy Commissioner
Bangalore District

Dated 9th September 89.

No 4804 V
253

Forwarding the petition for Review of orders, dated 29th July 1884, in re Shanbhoga ship of Harmoor Agra, Bangalore District, to the Deputy Commissioner, Bangalore for enquiry and report on certain points.

(13)

Petn for Review of orders of 29 July 1884
in re Shanbogueship of Harnaam Cgara.
Gopaliah vs. Seenappa.

Petn Gopaliah.

No 4004 / 253 of 9-9-84 Recd
14

This Petn will be forwarded to the Dist Court Bangt for enquiry & report upon the following points.

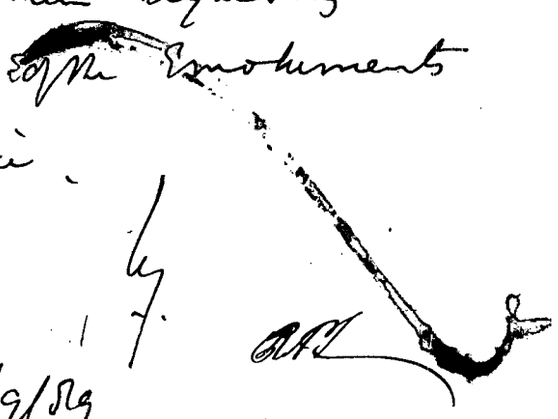
(1) When & under what circs & for what offence if any was Gangadharaiah dismissed, as reported in para 2 of the Dc's letter No 264 of 12 June 1884?

(2) Upon what terms & when was Seenappa appointed to succeed Gangadharaiah.

(3) were Gangadharaiah & Seenappa joint Huckdars to the Office on the date of Seenappa's appointment to the Office and if so what were their respective shares? were there any other sharers?

2 Copy of the Dist Court's order of 27 August 1861 now produced goes to show that

Shungadharish and Swamy were
joint Huckdars of the Office and
that there was a dispute
between them regarding the
Division of the Emoluments
of the Office.



9/2/89

To the Deputy Commr.
Bangalore

Lr 79-89-3

(General Serial No. 31.)

1890/91.

OFFICE OF THE DEWAN OF MYSORE
754
2 MAY 90
73

From The Dy Commissioner.
Bangalore District

To
The Chief Secretary to the ~~Dewan~~ Govt
of Mysore.

Dated 30th April 1890.
Despatched
Received

Enclosures No. 1 file

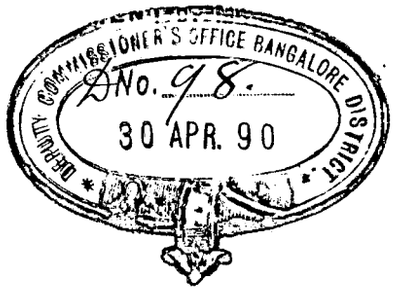
General No. V
No. 98.

Reports on petition from Gopaulah in re Shanbogue-ship of Horamavu Agara Bangalore Taluk —

Reference
Cr
5/1/90

Subd
18/6/90.

B
2-5-90

1890/91  Encl^s 1 file.

Reference
as
2/5/90

From

The Dy Commissioner
Bangalore District.

To

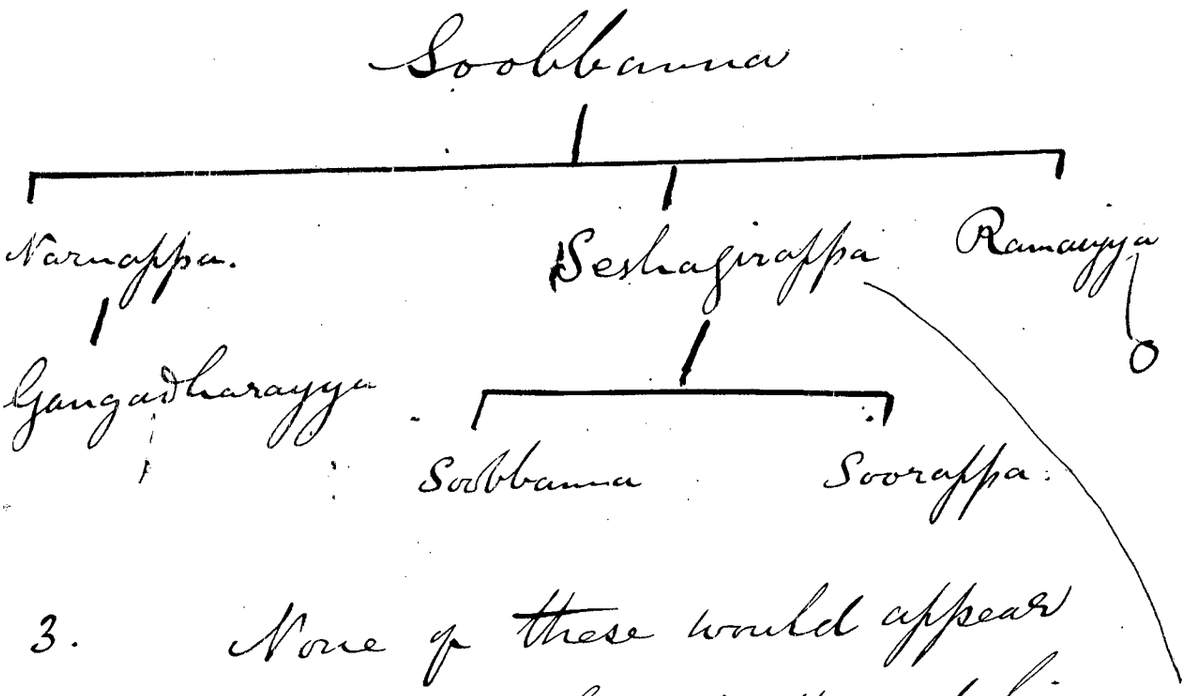
The Chief Secretary to the
Government of Mysore.

Sir,

In reply to Government order No. 8804/253 dated 9th September 1889, I have the honor to state that Gangadharayya does not seem to have been removed for any fault. In 1861, a Cousin of his, by name Soorappa, contested the claim and the then Division Superintendent ordered that Soorappa should be put in possession of the Shanbogai in preference to that of Gangadharayya, vide No. 999 dated 27th August 1861 filed with the records.

*1 Enclosure returned

2. Soorappa was thus put in possession of the "hug" in accordance with the above order. From the Genealogical tree filed with the records, it appears that both Gangadharayya and Soorappa were the Grand sons of one Soobbanna, as shewn below:-



3. None of these would appear to have left any heirs in the male line. The petitioner is the daughters' son of Gangadharayya and it appears that Soobbanna had a daughter Soobbamma, who has sons, two of whom are living now viz; Krishtappa and Venkanna. These appear to be as good heirs as Gopalaiyya, but Seenappa

1
Jp-162

2s.

(General Serial No. 30.)

1890

From

To The D.C. Bang Dt.

L 62 79-89-H

Dated 27/7

Despatched 4th August 1890

Received

Enclosures No.

General No. 4223

No. 199

Passing orders on the appeal of Horamavee Bang. Jk. Petn of Jogaulial, returning proceedings and calling for a further report on certain points

From the Commr

(15)

Read Proceedings No 971
dated 7th August 1889

No 4223/199 of 27-7-90
4
R. & V/P

Appellant Gopaliah of Horamavu Bangalore Taluq

Respondent Seenappah

Appellant's maternal grandfather Gangadhariah was the Shanbhog of Horamavu In 1861, his uncle's son named Soorappah contested the claim, and the Division Superintendent ~~ordered that he should~~ directed that he should be put in possession of the office if Gangadhariah failed to give him his due share. He was accordingly put in possession ~~of the office~~.

In 1866 Soorappah was dismissed for mis-appropriation of Government money. On this Venkata-Naranappah, the father of the appellant and son-in-law of Gangadhariah was appointed. He also was convicted of embezzlement & dismissed in 1879, when one Seenappa who was a "Dasaraltie

of Sowcar or Gangadharaiah

gnati" was appointed.

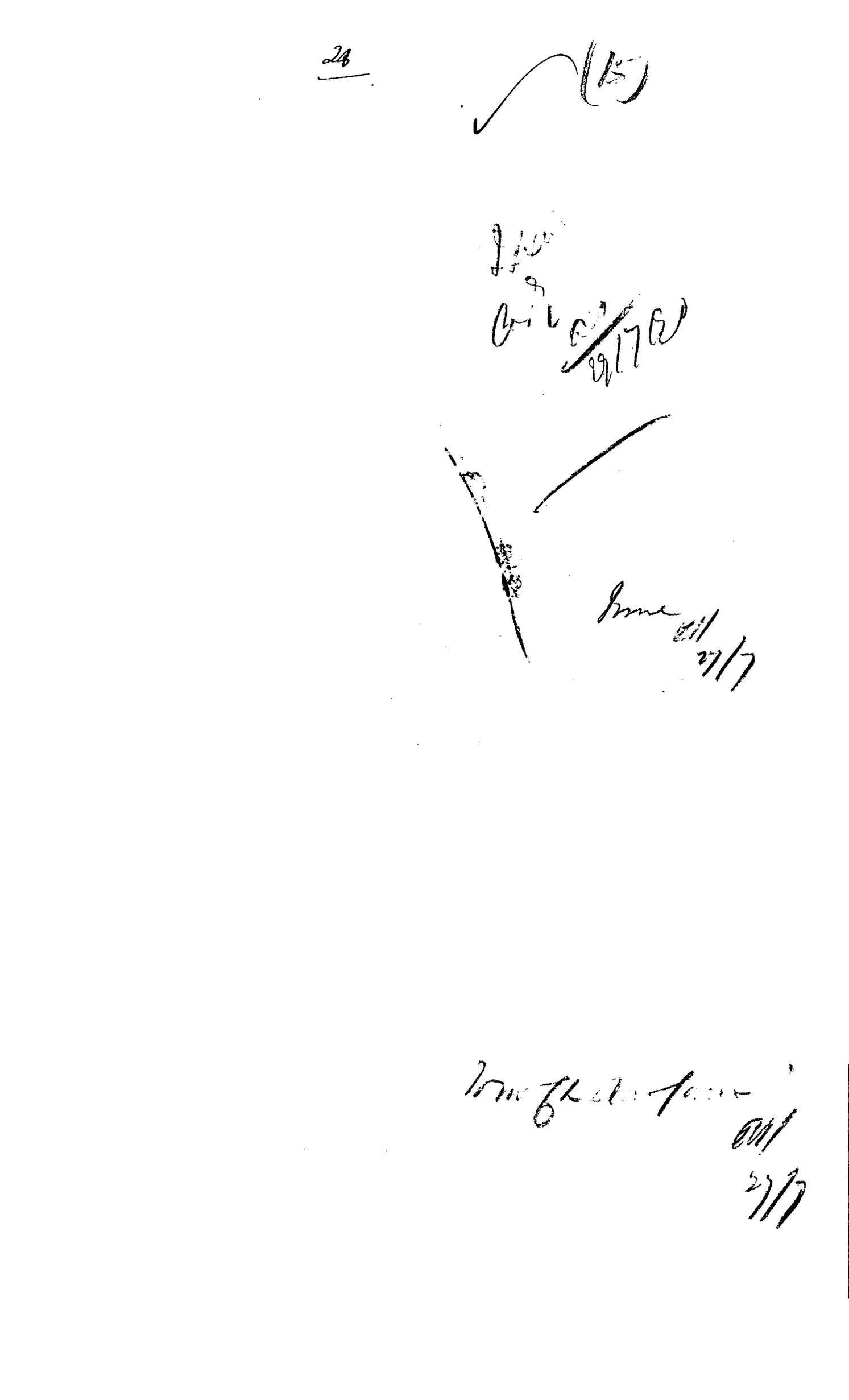
In 1883 on the complaint of the appellant, he was ordered to be restored to the office but on the representation of the Deputy Commissioner that appellant's grandfather Gangadhariah had also been dismissed from office, ~~and as appellant's father had also been dismissed~~, the Government passed an order in July 1884 that as the original Shanbhogas proved themselves unworthy of the office, Seeniappah though almost a stranger to the family might be left in possession.

In 1889 Appellant presented a petition denying that his maternal grandfather Gangadhariah was ever dismissed and it was referred for report.

The Dy Comr, in his letter dated 30/4/90 reports that Gangadhariah was never dismissed & the former statement that he was dismissed is not correct.

Petitioner's father, who was dismissed is still alive.

Petitioner now prays, that



(General Serial No. 29.) 27

1890 (17)

OFFICE OF THE
15977
20 SEP 90
DEWAN OF MYSORE.

From The Dy. Commr. Bangalore District

To

The Chief Secretary to the Dewan of Mysore.

Dated 16th September 1890

Despatched

Received

Enclosures No. 1 & 3 file

General No. V

D No. 447. of Ver: Papers

Government Proceedings

No. 4223 dated 27th July 1890 requesting to hold further enquiry and report regarding the Shanbogship of Horamavu Agra village in the Bangalore Taluk.

With reference to the above, has the honor to forward herewith, copy of Assistant Commissioner Mr. Raghunatha Rao's memo, together with its enclosures furnishing the information therein required.

2. The vernacular papers received with the above

Lr 79-89-5

P 102

Petn Dft

as

20/9/90

Submitted to the Council

23/9/90 AGC

Hearing 6/10/90

Issue notice papers & Respts

Sd

4/10/90

Ar 23-9-90

are, hereunto, ~~set~~ affixed.

In Minan Keo

for Deputy Commissioner

WBG

Komariah who was 31 his brother
and who had been given in
adoption to his (Respondent's) uncle.
This was so done because at the
time when Loorappah died, the
Respondent's father, was alive and
he could not therefore directly
perform the obsequies of Loorappah.
The 7th witness (Seenappah) who
attended the ceremony for receiving
alms, speaks to this point. The
witnesses also say that the Respondent
observed 10 days' pollution on the
death of Loorappah. But none
of the witnesses is able to trace
out the pedigree of the Respondent
exactly as given in the exhibit No. I
which he could not produce in 1884.
The 3rd witnessis brother who
prepared the exhibit No. I
was not examined on account
of his extreme old age. I can say

that its correctness has not been
proved. According to this, the
Respondent is a distant cousin
of the late Soorappah i.e, removed
to the 5th degree from the common
ancestor Kote Loobiah.

4. It is proved that Soorappah
died long after Gangadhariah.
Both these as well as the Respondent
are however of the same Gotra
i.e., Sreevatcha of Pancha Rushia.

5. Appellant's father Venket
Narnappah proves that he
performed the obsequies of the
late Soorappah at Agara. He
together with 3 others removed
the dead body of Soorappah to the
Tank bed. Neither the Respondent
nor his deceased brother Nomariah
attended the funeral ceremonies
on the occasion — He is supported
by his witnesses on the point.

His

His first witness is the Poorohit who who presided over the ceremony. His 2nd " witness who is a Kayengutter corroborates the first witness on this point. As these speak to positive facts their evidence is in my opinion more credible than that of those of the Respondent. It may not be therefore true that the said Komariah performed the obsequies of Loorappah. The evidence of the witnesses for Respondent should be received with caution, as regards the Respondents' having observed 10 days pollution on Loorappah's death & c. This does not however disprove that the Respondent is a distant gnate of Loorappah. in as much as the fact is admitted by Gungadhariah's widow

and the appellant's father vide the above exhibits filed by the Respondent.

6. The records are submitted as ordered.

1st September 1890 } (Signed) G. Raghunath Row
Assistant Commissioner

Copy

M Ramaiah
Jr Deputy Commissioner.

Comp
B72

P.7. 7. 1900

G. R. S. IX-5]

Previous references.
LR 12-66
LR-54-23.

1889-90

192 .

(L.R.)

File No. 79-89

Serial Nos. 1-6

Later references.
LR 127-97.

P-34

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

~~Part B~~ for July 1890

SUBJECT.

Petition of Gopalaiah, son of Venkatanarayanappa, Shanu
of for the Shanbhogi hak of Koramavu Agaram Banga
Taluk

To,

The Deputy Commissioner, Bangalore District

No. 4223/199 dt 27/4. 7. 1890.

Directs him to register the appellant as the hukdar Shanbhog
and allow the Respondent to remain in office during the Lifetime
of the Appellants father, after whose death, the Appellant will
enter upon the duties of the office

WD 2233—GPB—20,000—14.

Indexed

Secretary Hanna will be duly informed that he has no right to this office and that he will continue to do duties as the Lieutenant of appellant until further order.

BM
20-11-90

COURT FEE ONE RUPEE

No. 971

(12)

THE DEWAN OF MYSORE.

The humble petition of GOPAULIAH, son of Shanbogue VENCATANARANAPPAH, of Horamavu Agaram, in the Bangalore Taluk.

MOST RESPECTFULLY SHEWETH,

That on the 20th July 1884, the petitioner presented a petition to Government praying that the office of Shanbogue held by his father might be conferred on him, after removing the present incumbent, Seenappah, whose retention in office, petitioner represented, injuriously affected the vested right of the petitioner's family to succeed to the office in question.

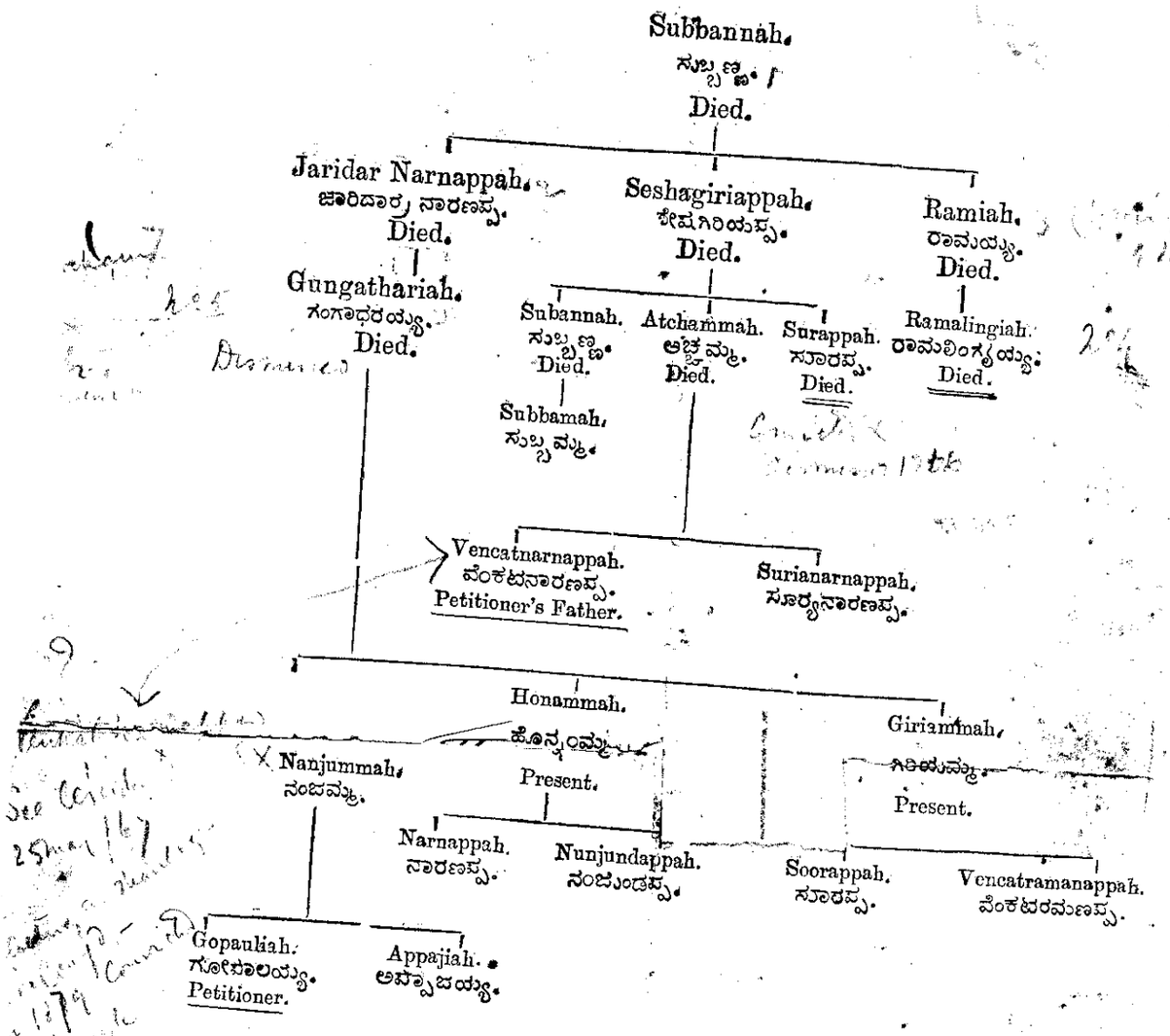
2. That by an *endorsement dated 13th August 1884, No. 1367, the said petition was rejected for the reasons stated therein.

*Copy enclosed.

3. It is this order that the petitioner humbly solicits the Government now to re-consider, in the light of certain facts which were not before the Government at the time they passed it. In asking for a review of an order of Government which was passed so far back as 1884, the petitioner is not unaware of the difficulties that would attend his application; but he submits that the very lapse of time that has been allowed to occur, is a point which, in this particular instance, supports rather than weakens his case as will appear hereafter.

4. Before proceeding to state the grounds of his application, the petitioner begs leave to give a short statement of the facts of his case.

The following is the genealogy of the office of Shanbogue of Haramavu Agaram :—



5. The office of Shanbogue to which the petitioner now lays claim, was originally held by Subbannah with hereditary right of succession to it. He was succeeded by his son Narnappah, who vacated it in favor of his brother Ramiah, from whom Ramalingiah his son inherited the office. Ramalingiah dying issueless, the office was conferred on Gungathariah, the son of Narnappah already referred to as the 2nd holder of the office. He held the office for about 40 years and was succeeded by Surappah, a cousin of his and a son of Seshagiriappah. In regard to Gungathariah it is now alleged that he was dismissed from office for misconduct. This the petitioner absolutely denies. This point will be referred to later on. Surappah was dismissed from office for embezzlement. He had no male issue and consequently Vencatnarnappah, his sister's son and the petitioner's father became the successor. He too was dismissed for misconduct. On his removal, Vencatnarnappah's brother Surianarnappah applied for the place. The then Taluk Amildar recommended his appointment. But the Deputy

11. Assuming then that Gungathariah's dismissal was not a fact, all the disability that is now sought to attach to the petitioner and the other members of his family unconnected with the crimes of Soorappah and Venkatanaranappah should, it is submitted, cease, and the petitioner must succeed against Seenappah who, though he has been in possession of the office for a number of years, cannot complain that he is unfairly dealt with, if he is made to make room for petitioner; first, because he has admittedly no right to the office; secondly because he was the author of his own wrong; and thirdly because, having Shanbogueships of several villages to discharge, he has been forced to appoint a goomastha, who is much more a stranger than himself, to look after the duties of the office in the village in question.

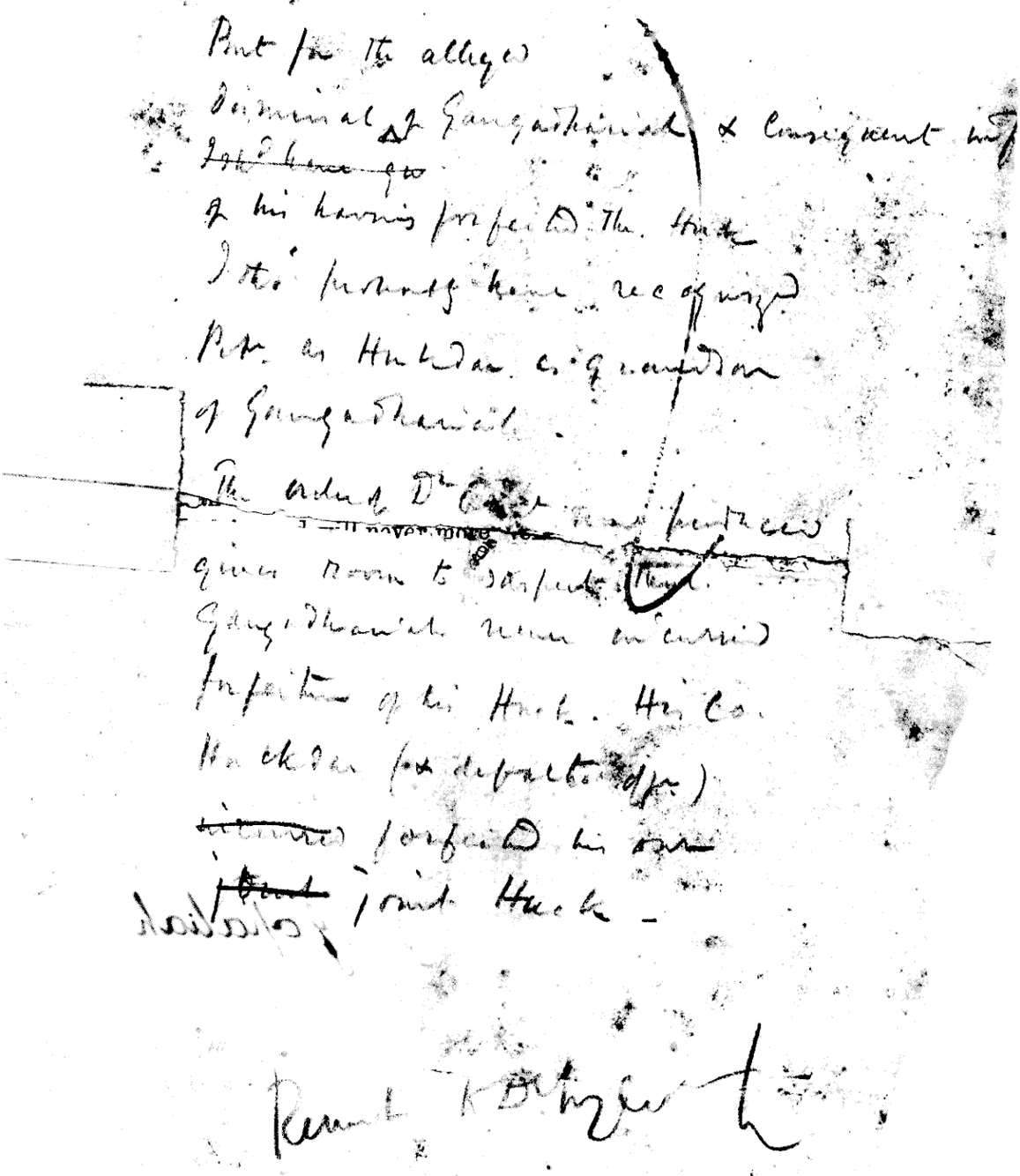
12. Viewed from another stand point also, the petitioner begs to submit, his case is deserving of favorable consideration at the hands of Government. It is now admitted on all hands that the petitioner is the maternal grandson of Gungathariah. Assuming that the latter's dismissal from office is not true, it follows, petitioner begs respectfully to submit, that his claims must prevail over that of Seenappah a comparative stranger. The petitioner's case in this respect should, it is submitted, be treated in the same manner as if he was unconnected with Venkatanaranappah whose disqualification, being personal to him, should not affect a descendant of the original Shanbouge Gungathariah such as the petitioner is.

13. Lastly, even if all the facts are found against him, the petitioner submits, that according to the spirit of the Dewan's Proceedings No. 927–934 / 17 dated 9th May 1881, sufficient time has elapsed for the reversionary rights of the petitioner's family to come into existence. Under the law laid down in those proceedings, the hereditary rights of the family are not altogether extinguished, but only suspended for a time. Full ten years has the petitioner been kept out of the benefit of the office for wrongs committed by his predecessors, and the petitioner therefore humbly prays that his claims may now be recognized and the office held by his fore-fathers be conferred on him.

14. For which act of justice and kindness the petitioner as in duty-bound will ever pray.

Gopaliah

BANGALORE,
~~June~~ 7th August 1889.



having been recognized by the late Chief Commissioner, as having been as good an heir as Venkatnarnappa, petitioner's father who was dismissed, he was preferred and appointed.

4 Papers, as per perisht, are here- with returned.

I have the honor to be
Sir,
Your Most-Obedient Servant.

W. Mundy.
Dy: Commissioner

WEW

as his maternal grandfather to whom the Huck originally belonged, was never dismissed, he may be restored to the office to which he had been appointed in 1883. Petitioner also denies that the Respondent is a gnati or kinsman of Gangadhariah.

~~The Government observe~~ Resps argued that the last male holders of the office, ~~before appellants~~ father was appointed, was Soorappah and not Gangadhariah the maternal grandfather of the appellant ~~Appellant is of course no heir at law to Soorappah,~~ but he claims the office ~~on the ground that he has~~ better title to the office than the Respondent who is an utter stranger to the family.

that the appt has ~~no~~ no claim regard to the office, while the appellant argued that he had who had

There is some force in ~~this~~ last argument and the Government wish to know whether the Respondent is a gnati to the last holder Soorappah or no Petitioner's father once states before the amildar that Respondent was a gnati, but now denies having ever made such a statement

Q whether Gnati for consideration

The parties being Brahmin

there ought not to be much difficulty in ascertaining whether Respondent is or not grati ~~[illegible]~~ and whether he observed pollutions when deaths took place in the family of the appellant's maternal grandfather. The Dy Com^rs is requested to make the necessary enquiry into the matter and report upon it. He is also requested to state whether Gangadharia died before or after

Nov 1890

Dec 1890

2nd Nov 1890

Nov 98 to 30-4-90

Note

When the Petition was referred for enquiry 1889, it was clear the intention of the Dep^t to give the appointment to Pr^s if it was true that Gangadharia was not promised. — Resp^t is apparently a very distant Kinsman. Shewes we make the enquiry? In my view, we may reg Pr^s as Mr Haskoor, not allow him to en upon the Office, while father also was not alive.

Dec 1890

We may now Have question / Shall we Shall we may be a I have slightly al Draft

We may have to see you also

Memo

The burden of proving that the Respondent (Seenappah) is a gnaty of the late Soorappah lay on him and he examined the following witnesses.

1. Seenappah – Respondent
2. Ramalingappah.
3. Saithoo Row.
4. Soobiah
5. Krishnappah
6. Chendra Saikariah.
7. Seenappah
8. Venkat Narnappah.

The following exhibits were filed for the Respondent.

I. A Geneological tree.

II. An extract from the Shanbogue Register for 1868.

III. Petition presented by Soobiah

and others in 1866, to the Taluk Amildar in regard to the office of Shanbhogue in question.

IV. Deposition of Thippamah, Gangadhariah's widow, given in 1866.

V. Deposition given by Venkat Narnappah before the Amildar in 1884.

2. Appellant Gopaliah examined two (2) witnesses, i.e., Seetaram Shastry and Danappah and filed the following exhibits.

A. Geneological tree produced in 1883.

B. Copy of the Dewan's Proceedings No. 2739/139 dated 29th July 1884.

3. The witnesses for Respondent state that he is Dasaratree Gnati of the late Loorahpah whose obsequies were performed by Komariah

No. 971

Dr. 9-8 9-6(12)

[redacted] st.

vs

Respondent

Layya of Koramavu
dam, Bangalore Talk.

Sirsappa.

Endorsement.

In reply to his Petition dated 7th August/89 Appellant
is informed that the Dy: Comm^r has been directed
to register him (Appt) as the Shanbogue Sheristadar, but to allow
the Resp^d to remain in office during the lifetime
of appellant's father, after whose death the ap-
~~is informed that~~ pellant will enter upon the duties of the office.

9/1250

15/12

Mysore Dewan's Office,
Petition Department,
189 .

By Order,

Secretary.